

ZB# 01-09-A

**Bila Family Partnership /
KMART**

65-2-12.1

Prelim.

Apr. 9, 2001

Public Hearing:

May 14, 2001.

Granted

only to
deadline

12/31/01.

Refund: \$403.00

#01-09A - Bila Family / K Mart Temp.
Const. Sign
Area
65-2-12.1

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bila/ K Mart Temp. Sign

FILE# 01-09A.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X Sign

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid ck.
#17017
4/18/01*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/9/01-3... \$ 13.50
2ND PRELIMINARY- PER PAGE 5/14/01-3... \$ 13.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 27.00

*paid ck.
#17021*

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 4/9/01..... \$ 35.00
2ND PRELIM. 5/14/01..... \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING..... \$
PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 91.00

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 403.00

Date 03/29/01

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Bila Family Partnership DR.
158 N. Main St., Florida, N.Y. 10921

[illegible]

17017

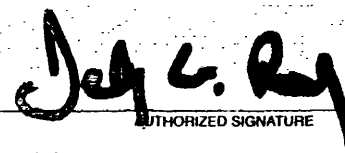
DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
4-18-01	K Mt. Sn. ZBA		150.00	.00	150.00
CHECK DATE	4-18-01	CHECK NUMBER	17017	TOTALS	
			150.00	.00	150.00

BILA FAMILY PARTNERSHIP158 N. MAIN STREET
FLORIDA, NY 10921THE BANK OF NEW YORK
252 MAIN STREET
GOSHEN, NY 10924

50-235/219

17017

Pay: *****One hundred fifty dollars and no cents

DATE
April 18, 2001CHECK NO. AMOUNT
17017 \$*****150.00PAY
TO THE
ORDER
OFTown of New Windsor
555 Union Ave.
New Windsor, NY 12553


AUTHORIZED SIGNATURE

"017017" :021902352: "6801431397"

BILA FAMILY PARTNERSHIP

17021

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
4-18-01	Const. ZBA Escrow		500.00	.00	500.00
CHECK DATE	4-18-01	CHECK NUMBER	17021	TOTALS	
			500.00	.00	500.00

BILA FAMILY PARTNERSHIP

158 N. MAIN STREET
FLORIDA, NY 10921

THE BANK OF NEW YORK
252 MAIN STREET
GOSHEN, NY 10924

50-235/219

17021

Pay: *****Five hundred dollars and no cents

DATE
April 18, 2001

CHECK NO. 17021 AMOUNT \$*****500.00

PAY TO THE ORDER OF
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

[Handwritten Signature]
AUTHORIZED SIGNATURE

⑈017021⑈ ⑈021902352⑈ ⑈6801431397⑈

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#365-2001

#01-09A

04/18/2001

Bila Family Partnership

Received \$ 150.00 for Zoning Board Fees, on 04/18/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

Bila Family Partnership

158 North Main Street Florida, NY 10921

(845) 651-7973 Fax (845) 651-1283

We have moved!

Our construction is complete and we have moved our headquarters to Goshen NY.

Effective September 17, 2001, we moved to the following location:

New Address: 4 Coates Drive – Suite #1
Goshen, NY 10924

New Phone No: 845-294-3292

New Fax No: 845-294-8801

Please note our new address and phone numbers.

Date 7/11/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

DR.

DATE		CLAIMED	ALLOWED
5/14/01	Zoning Board Mtg	75.00	
	Misc -		
	Zupitza - 3		
	Byron - 1		
	Mturray - 3		
	Boffs - 3		
	Waldo - 2		
	Merced - 2		
	Bila / Big V Centre - 8	157.50	
	Bila / K Mart - 5		
	Bila / K Mart - 3 13.50	232.50	
	Gargiulo / Lyons - 3 35 Pgs.		

BILA FAMILY PARTNERSHIP/K MART

MR. TORLEY: Request for 128 sq. ft. sign area variance for temporary construction sign at Big V Town Centre in a C zone.

Ms. Diane Dross appeared before the board for this proposal.

MS. DROSS: Requesting a variance of 128 square feet for a temporary construction sign for K-Mart.

MR. KANE: How big would that make the actual sign?

MS. DROSS: It's 8 foot by 12 foot doublesided.

MR. MC DONALD: Where will that be located, at the entrance?

MS. DROSS: Away from the entrance, it would be in front of, near Rockaway Bedding.

MR. MC DONALD: So no sight distance will be affected by it being there coming in or out of the parking lot?

MS. DROSS: As far as for the entrance right there, that's why we moved it down to the deepest part near Route 32.

MR. TORLEY: This is going to be illuminated?

MS. DROSS: No, just plywood, treated wood, painted.

MR. KRIEGER: Says 128 feet, what would be allowed?

MR. BABCOCK: Actually, it's a temporary sign and they've already got their sign that says supermarket up there now, they're allowed one directory sign, this is just a temporary sign until K-Mart gets the facade done.

MR. TORLEY: We don't have a regulation?

MR. BABCOCK: Actually, we do, 64 square feet.

MR. KRIEGER: So this would be exactly double, 64 times 2 is--

MR. BABOCK: No, they're only allowed 64 total both sides, they're asking for 192, so they need a variance of 128.

MR. TORLEY: Again, this will strictly be temporary and come down?

MS. DROSS: Come down in November is what they're planning on.

MR. KRIEGER: That means if a variance were granted, when will the sign come down, which would be no later than the end of November, the variance would be abandoned?

MS. DROSS: Yes.

MR. KRIEGER: You wouldn't seek to use it again for any reason?

MS. DROSS: There's no other large tenants or anyone coming in.

MR. KRIEGER: What I'm getting at is once you've lost the variance, it's gone for all time.

MS. DROSS: Right.

MR. TORLEY: You wouldn't be coming up with a special sale or something, this is for only for construction?

MS. DROSS: Only for construction for K-Mart.

MR. TORLEY: Variance will be abandoned?

MS. DROSS: Yes.

MR. KRIEGER: Which would be no later than November 30th?

MS. DROSS: Yes.

MR. KRIEGER: That gives you time.

MR. BABCOCK: How about when K-Mart opens, I mean, they could have some construction delays, I'm just saying.

MR. TORLEY: How about if we make it December 31st, that gives you--you can come back and ask for an extension of the variance.

MR. BABCOCK: That's fine.

MR. KRIEGER: I'm reluctant to see something in the variance that says when they open because it's too debatable later on, I don't want something debatable, I want something clean.

MR. TORLEY: A construction sign as defined here and nothing else.

MR. REIS: Just black letters on a white background on white plywood?

MS. DROSS: There's a little bit of color in it, there's some blue and some red there, K-Mart's colors.

MR. KANE: Accept a motion?

MR. KANE: Yes.

MR. KANE: I move we approve temporary construction sign to be removed by 12/31/01 for K-Mart as described.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

Date 9/2/01, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Francis Bell DR.

168 W. Drury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
7/01	Zoning Board	75	00
	Misc. - 2		
	Langer - 2		
	Pila Family K-Mart - 3 (Temp. sign)		
	" " " - 4		
	" " " - 4		
	Arguilo/Lynns - 14	130	50
	29		
		205	50

BILA FAMILY PARTNERS/K-MART

MR. TORLEY: Request for 128 square foot variance for Temporary Construction sign at 366 Windsor Highway at Big V Town Centre in a C zone.

Mr. Jeff Rosenberg appeared before the board for this proposal.

MR. ROSENBURG: Yes, sir, I'm Jeff Rosenberg from Bila Family Partners and this is a construction sign from K-Mart and it's two sided. What I'd like to know is I mean we're on for a public hearing but since it's going to be temporary and hopefully come down when the K-Mart signs actually go up in July, whether we actually have to go through a public hearing.

MR. TORLEY: Oh, yes, Mike, temporary construction signs?

MR. BABCOCK: He's allowed 64 square feet as a temporary construction sign and he's at 192 square feet, although he's going to replace this with a permanent sign. Now, the next preliminary is for the, partially for the K-Mart permit sign so--

MR. TORLEY: Do you need a sign this big?

MR. ROSENBURG: It's K-Mart's specs, it's what they require.

MR. TORLEY: That's not our problem but if you went with the code, you wouldn't have to be here, you can put it up.

MR. ROSENBURG: I know but even if we did only one sided which then you can't see, if we did one sided facing, it's still more than what the code is.

MR. TORLEY: We can't--

MR. KRIEGER: Let me guess, this is required by K-Mart.

MR. ROSENBURG: Yes.

MR. TORLEY: So we have to go through the procedures.

MR. KANE: I don't see any way around it doing the public hearing that would be a quote unquote legal way of doing it.

MR. REIS: Mike, correct me if I'm wrong, maybe to accommodate these fellas for a temporary situation, we have two entities, we have K-Mart and Shop Rite separate, if they each would put up a temporary sign.

MR. KANE: This sign is strictly K-Mart, though, right?

MR. ROSENBERG: Right, supermarket doesn't want temporary, they're going for permanent signs.

MR. TORLEY: That's what they want to put up two sided sign.

MR. ROSENBERG: I want it, they would have single sided sign, but the problem I see is that driving down 32, you can't see it with a single sided.

MR. BABCOCK: They want to get the word out that they're coming into town.

MR. TORLEY: For advertising purposes they need a--

MR. KANE: Personally, it's a temporary sign, I don't have a problem doing it, but there's no legal way of doing it.

MR. TORLEY: Again, it doesn't bother me if it really is coming down.

MR. ROSENBERG: I'm sure it is.

MR. MC DONALD: Where is it going to be located?

MR. KRIEGER: That's half the question, whether it's coming down. The other half of the question is to be replaced with what?

MR. BABCOCK: Which is the next item on the agenda.

April 9, 2001

6

MR. ROSENBERG: We need it facing this way so people can see it, otherwise, if we turn it, no one will really see the sign.

MR. MC DONALD: Isn't there another sign there from the Chinese restaurant?

MR. ROSENBERG: There is, that's temporary.

MR. MC DONALD: Been a long time for temporary.

MR. ROSENBERG: They've been complaining because no one can see them because they're all the way back there until they tear down the mall and stuff.

MR. TORLEY: We have to do it by public hearing. Do you have any other questions?

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes.

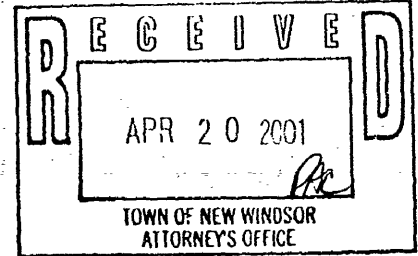
MR. MC DONALD: Motion that we set up Bila Family Partnership K-Mart for a public hearing on the variance for the sign.

MR. KANE: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**



PLEASE TAKE NOTICE that the Zoning Board of Appeals of the **TOWN OF NEW WINDSOR, New York**, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 01-09A

Request of Bila Family/WVR Real Estate II LLC/Big V Town Centre

for a VARIANCE of the Zoning Local Law to Permit:

Temporary construction sign @ Big V Town Centre with more than the
allowable sign area;

being a VARIANCE of Section 48-18 **temporary sign**

for property situated as follows:

366 Windsor Highway, Big V Town Centre, Vails Gate, NY

known and designated as tax map Section 65, **Blk.** 2 **Lot** 12.1

PUBLIC HEARING will take place on the 14th day of May, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley

Chairman

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

In the Matter of the Application for Variance of

**AFFIDAVIT OF
SERVICE
BY MAIL**

Bila Family Partnership
01-11, 01-09 & 01-09A.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 19th day of April, 2001, I compared the 137 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti
Notary Public

Sworn to before me this

19th day of April, 2001.

Subrah Queen
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4934065
Commission Expires July 15, 2001

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-09A

Date: 4/11/01

I. Applicant Information:

- (a) Bila Family/WVR Real Estate II LLC, 158 N. Main St. Florida NY 845-651-7973
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Street Works, 30 Glenn St. White Plains, NY 914-949-6505
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. Property Information:

- (a) C NYS Rt. 32/Windsor Highway 65-2-12.1 30 acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? No.
- (d) When was property purchased by present owner? _____.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? Yes.
If so, when? 11/00.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? _____.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

_____.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

_____.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes_____ No_____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18H1, C. Temp. sign Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>64 sq. ft.</u>	<u>192 sq. ft.</u>	<u>128 sq. ft.</u>
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

Proposed 8'x12' double faced temporary sign for "Kmart Coming Soon".

Double faced for visibility to inform public of coming Kmart store.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

IX. Attachments required:

- | | |
|------------|--|
| <u>X</u> | Copy of referral from Bldg./Zoning Insp. or Planning Bd. |
| | Copy of tax map showing adjacent properties. |
| <u>N/A</u> | Copy of contract of sale, lease or franchise agreement. |
| <u>X</u> | Copy of deed and title policy. |
| <u>X</u> | Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question. |
| <u>X</u> | Copy(ies) of sign(s) with dimensions and location. |
| <u>X</u> | Two (2) checks, one in the amount of <u>\$150.00</u> and the second check in the amount of <u>\$500.00</u> , each payable to the TOWN OF NEW WINDSOR. |
| | Photographs of existing premises from several angles. |

X. Affidavit.

Date: 4/18/01

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Diane Dm
(Applicant)

Sworn to before me this

18th day of April, 192021

Danys Hays

XI. 2BA Action:

(a) Public Hearing date: 05/14/01

DAISYE HOYER
Notary Public-State of New York
Appointed in Orange County
Commission Expires 4/30/02

COMING SOON

BIG *mart* **K**

**DEVELOPER
ARCHITECT
CONTRACTOR**

**BILA FAMILY PARTNERSHIP
STREET WORKS
BBL CONSTRUCTION SERVICES**

PERMIT #1823

12'

8'

Sent By: Hila Family Partners;

845 651 1283;

Mar-26-01 11:44AM;

Page 2

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

HILA FAMILY PARTNERSHIP and
WVR REAL ESTATE II LLCTO
WVR REAL ESTATE II LLCSECTION 65 BLOCK 2 LOT 12.1

RECORD AND RETURN TO:

(Name and Address)

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

James G. Sweeney
P.O. Box 806
Goshen, NY 10924

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)
2201 CHESTER (VLG)	4205 WALDEN (VLG)
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)
3089 GOSHEN (TN)	5089 TUXEDO (TN)
3001 GOSHEN (VLG)	6001 TUXEDO PARK (VLG)
3003 FLORIDA (VLG)	6200 WALLKILL (TN)
3005 CHESTER (VLG)	5489 WARWICK (TN)
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)
3801 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)
3889 MONSINK (TN)	5801 HARRIMAN (VLG)
3801 UNIONVILLE (VLG)	
4089 MONROE (TN)	
4001 MONROE (VLG)	
4003 HARRIMAN (VLG)	
4005 KIRYAS JOEL (VLG)	

CITIES

0800 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
0909 HOLD

NO. PAGES 4 CROSS REF ☐CERT. COPY ☐ ADD'L X-REF ☐MAP # ☐ PGS. ☐PAYMENT TYPE: CHECK ☒CASH ☐CHARGE ☐NO FEE ☐CONSIDERATION \$ ☐TAX EXEMPT ☐MORTGAGE AMT \$ ☐DATE ☐

MORTGAGE TAX TYPE:

☐ (A) COMMERCIAL/FULL 1%☐ (B) 1 OR 2 FAMILY☐ (C) UNDER \$10,000☐ (E) EXEMPT☐ (F) 3 TO 6 UNITS☐ (I) NAT. PERSONNEL UNION☐ (J) NAT. PER-GR. UN/1 OR 2☐ (K) CONDO

DONNA L. BENSON
Orange County Clerk

RECEIVED FROM:

LIBER 5392 PAGE 84

LIBER 5392 PAGE 84
ORANGE COUNTY CLERK'S OFFICE 39042 JUL
RECORDED/FILED 10/25/2000 07:00:00 AM
SERIAL NUMBER: 002973
DEED CNTL NO 64208 RE TAX .00

BARGAIN AND SALE DEED
With Covenant Against Grantor's Acts

THIS INDENTURE made the 16th day of October the year two thousand,

BETWEEN BILA FAMILY PARTNERSHIP, 158 North Main Street, Florida, NY 10921 and WVR REAL ESTATE II LLC, of the same address, parties of the first part, and WVR REAL ESTATE II LLC, 158 North Main Street, Florida, NY 10921 party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, more particularly bounded and described in Schedule "A" annexed hereto and made a part hereof.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

BEING AND INTENDED TO BE the same premises conveyed to BILA FAMILY PARTNERSHIP and WVR REAL ESTATE II LLC by virtue of the following deeds:

Bila Family Partnership and WVR Real Estate II LLC dated November 4, 1999 and recorded in the Orange County Clerk's Office on December 1, 1999 in Liber 5195 of Deeds at page 160.

TO HAVE AND TO HOLD, the premises herein granted to the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid and, if a corporation, the party of the first part covenants that this conveyance is made in the regular course of the business conducted by it.

AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby covenants that the party of the first part will receive the consideration of this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the parties of the first part have duly executed this deed the day and year first above written.

IN PRESENCE OF:

Bila Family Partnership

By Jeff G. Rosenberg

WVR Real Estate II LLC

By Jeff G. Rosenberg

Jeffrey G. Rosenberg, Member

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the 14th day of October in the year 2000, before me, the undersigned, personally appeared Jeffrey G. Rosenberg, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Daisy Hoyer
Notary Public

RECORD AND RETURN BY MAIL TO:

James G. Sweeney
P.O. Box 806
Goshen, NY 10924DAISY HOYER
Notary Public-State of New York
Appointed in Orange County
Commission Expires 7/10/2003

SCHEDULE "A"

* PROPERTY DESCRIPTION OF THE SECTION 65,
BLOCK 2, LOT 12, 35, 36, 37, 38, 39, & 40
VAILS GATE, ORANGE COUNTY, NEW YORK

Commencing at a point on the easterly line of Old Temple Hill Road, said point being the northwesterly corner of Section 65, Block 2, Lot 34 and the point of beginning;

- 1) Continuing along said easterly line of Old Temple Hill Road, North 26° 48' 38" West, a distance of 1021.71 feet to a point, thence;
- 2) North 26° 31' 42" West, a distance of 200.04 feet to a point, thence;
- 3) Leaving said easterly line, North 44° 43' 42" East, a distance of 360.82 feet to a point, thence;
- 4) North 71° 09' 00" East, a distance of 55.70 feet to a point, thence;
- 5) South 57° 11' 00" East, a distance of 322.00 feet to a point, thence;
- 6) North 74° 49' 03" East, a distance of 956.85 feet to a point on the westerly line of Old Forge Hill Road, thence;
- 7) Continuing south along said line, South 08° 01' 29" East, a distance of 222.79 feet to a point, thence;
- 8) South 81° 18' 31" West, a distance of 3.00 feet to a point, thence;
- 9) South 07° 53' 50" East, a distance of 153.07 feet to a point, said point being the intersection of the westerly line of Old Forge Hill Road with the Northerly line of N.Y.S. Route 32, thence;
- 10) Continuing southwesterly along said line of N.Y.S. Route 32, South 06° 41' 00" West, a distance of 10.14 feet to a point, thence;
- 11) South 36° 51' 20" West, a distance of 279.16 feet to a point, thence;
- 12) South 32° 44' 20" West, a distance of 250.65 feet to a point, thence;
- 13) South 36° 33' 22" West, a distance of 372.52 feet to a point, thence;
- 14) South 37° 47' 57" West, a distance of 208.63 feet to a point, thence;
- 15) North 52° 13' 28" West, a distance of 28.50 feet to a point, thence;
- 16) South 37° 46' 32" West, a distance of 45.00 feet to a point, thence;
- 17) South 25° 29' 24" West, a distance of 133.60 feet to a point, thence;
- 18) South 37° 47' 57" West, a distance of 65.41 feet to a point, said point being the southeast corner of Section 65, Block 2, Lot 34, thence;
- 19) North 26° 48' 38" West, a distance of 193.71 feet to a point, thence;
- 20) South 37° 47' 57" West, a distance of 180.65 feet to the point and place of beginning.

Encompassing an area of 1,283,733 square feet or 29.47 acres, more or less.

* The above description is prepared in accordance with a plan entitled "Boundary and Topographic Survey for Billa Partnership, Town of New Windsor, Orange County, New York", prepared by Eustance & Horowitz, P.C., dated February 27, 1998.

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Langan Engineering and Environmental Services

LIBER 5392 PAGE 87

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Apr. 9, 2001
7:30 p.m.
#01-09A

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 3/26/01

APPLICANT: Bila Family/WVR Real Estate II LLC
158 North Main Street
Florida, NY 10921

Diane
Dross.

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/23/01

FOR : Temporary Kmart sign

LOCATED AT: 366 Windsor Highway, Big V Town Centre

ZONE: Sec/ Blk/ Lot: 65-2-12.1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-18 H1,C Temporary signs

1. Proposed 8x12 double faced temporary sign, 192sqft requires a variance for 128sqft.

Louis J. Kynahan
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE:

SIGN: Temporary

8x12

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS: 64sqft

192sqft

128sqft

FEET FROM ANY LOT LINE:

cc: Z.B.A.. APPLICANT. FILE.W/ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Bila Family Partnership / WVR Real Estate II LLC
Big V Town Centre 366 Windsor Hgwy
Address Vails Gate, NY 12584 Phone 845-651-7973

Mailing Address 158 North Main Street, Florida, NY 10921

Name of Architect _____

Address _____ Phone _____

Name of Contractor BBL Construction Services
52 Corporate Circle

Address Albany, NY 12212 Phone 518-452-8200

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the N side of Rte. 32, Windsor Highway
and at (N,S,E or W)
just to the intersection of Rt. 32 & Old Forge Hill Road

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 65 Block 2 Lot 12.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

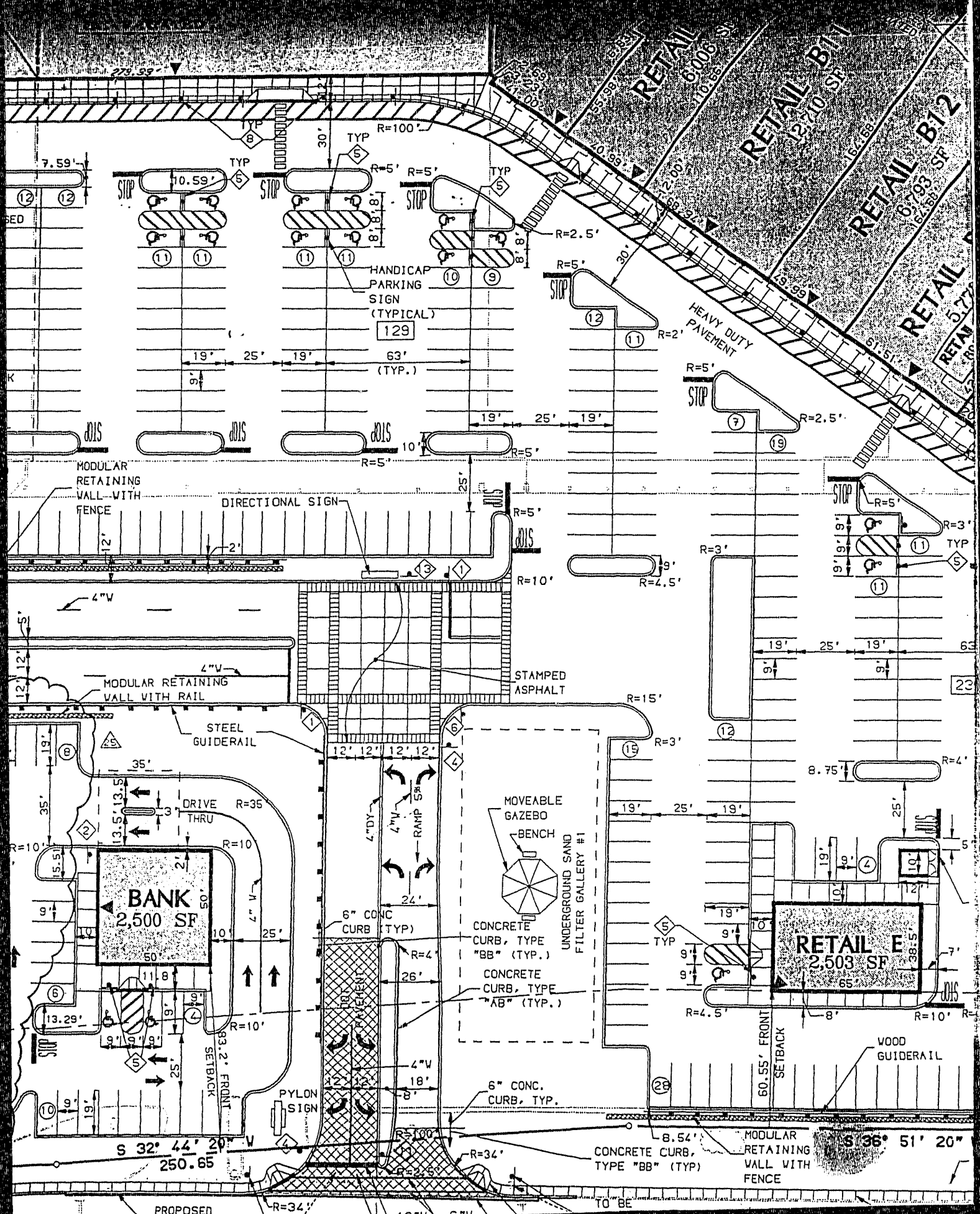
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

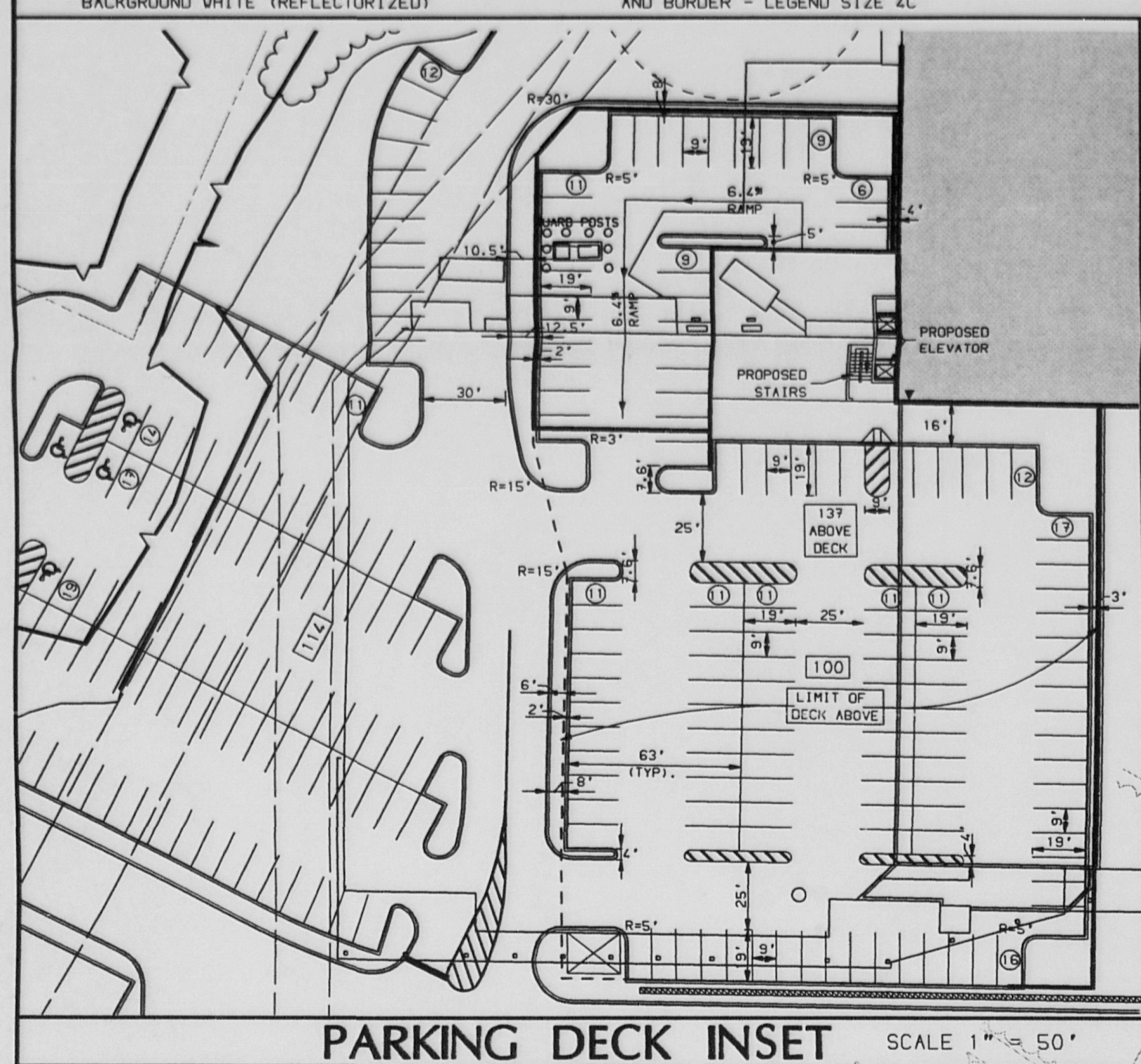
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Temporary construction sign,
8'x12'w, "Coming Soon Kmart" double sided, perpendicular to Rte 32 in
front of Rockaway Bedding.

10. Estimated cost _____ Fee \$50.00

*paid
w/ ch
from BP# 2000-1205
\$50.00*



[illegible]

SITE STATISTICS

EXTENDING ZONE: C ZONE (SECTION SHOFFING)

PROPOSED RETAIL - BANQUET		REQUIRED		PROVIDED	
MIN. LOT AREA =	120,000 SF	1,285,672 SF	125-47 AC.		
MIN. LOT FRONTAGE =	60' X			382 FT	
MIN. LOT DEPTH =	200' X			143 FT	
MIN. SETBACK - FRONT =	N/A			60.25 FT	
MIN. SETBACK - REAR =	REAR FT			59.63 FT	
MIN. SIDE =	30 FT/70 FT			38.09/57.63 FT	

COVERAGE:

BUILDING AREA	243,488 SF	18.7%	
PAVEMENT & SIDEWALK	629,212 SF	49.0%	67.7% IMPERVIOUS
OPEN SPACE	1,121,120 SF	33.3%	
TOTAL	1,293,812 SF	100%	

PARKING REQUIREMENTS:

RETAIL - STORES (1,252,392 SF) = 1278 SPACES		989 SPACES
RETAIL - RESTAURANT (232,292 SF)		36 SPACES
TOTAL = 15,900/300	18 SPACES	10 SPACES
RESTAURANTS (1.5 SPACE/3 SEATS) = 5	1300 SPACES	34 SPACES
BANK = 1	455 SPACES	1,041 SPACES**

MIN. LESS VARIATION
NET REQUIRED BPS SPACES

MIN. PARKING SPACE SIZE	10 FT X 20 FT	9 FT X 19 FT**
-------------------------	---------------	----------------

LOADING:

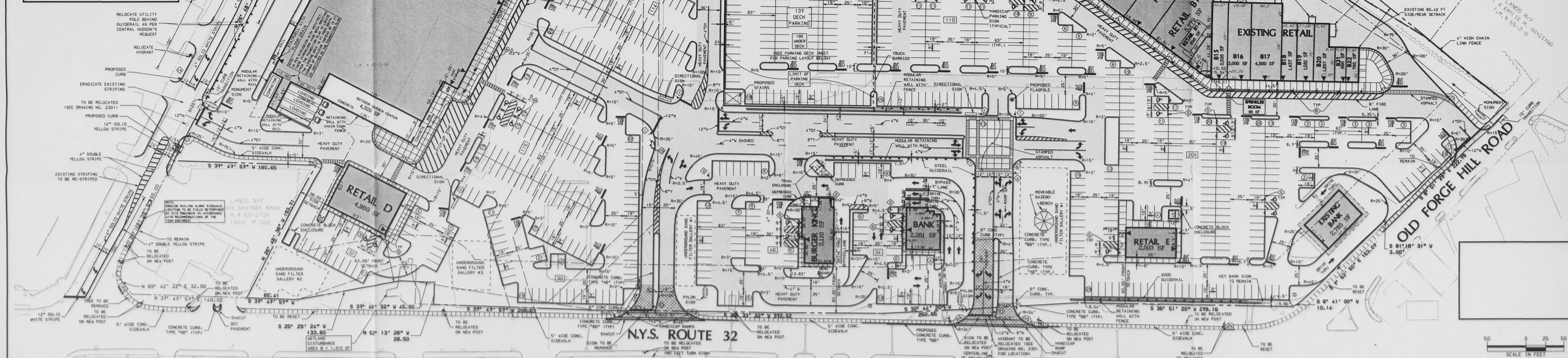
MIN. NUMBER OF LOADING SPACES	SP/10,000 SF = 18	10 ⁰⁰
MIN. SIZE OF LOADING SPACE =	10 FT WIDE	12 FT X 50 FT

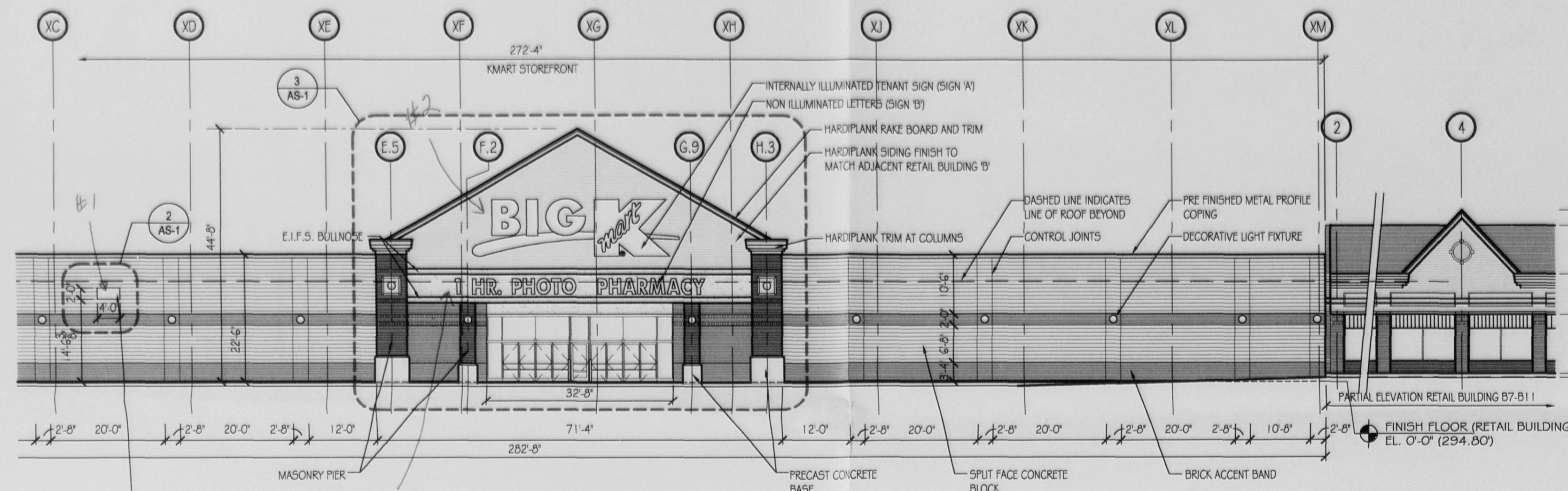
NOTE:

- A 455 PARKING SPACE GRANTED AT 9'X19" SPACE WITH 26' TRUCK LENGTH SPACE VARIATION BY NEW VINDSOR ZONING BOARD, DATE SEPTEMBER 14, 1986.
- A 6 FT BUILDING HEIGHT VARIATION WAS GRANTED BY NEW VINDSOR ZONING BOARD, DATE SEPTEMBER 14, 1986.
- A LOADING COCK PAVEMENT TO REDUCE THE NUMBER OF LOADING COCKS REQUIRED BY 19 COCKS WAS GRANTED BY NEW VINDSOR ZONING BOARD, DATE SEPTEMBER 14, 1986.

W	4" SOLID WHITE
W	6" SOLID WHITE
W	8" SOLID WHITE
" W	12" SOLID WHITE
DY	4" SOLID DOUBLE
Y	8" SOLID YELLOW

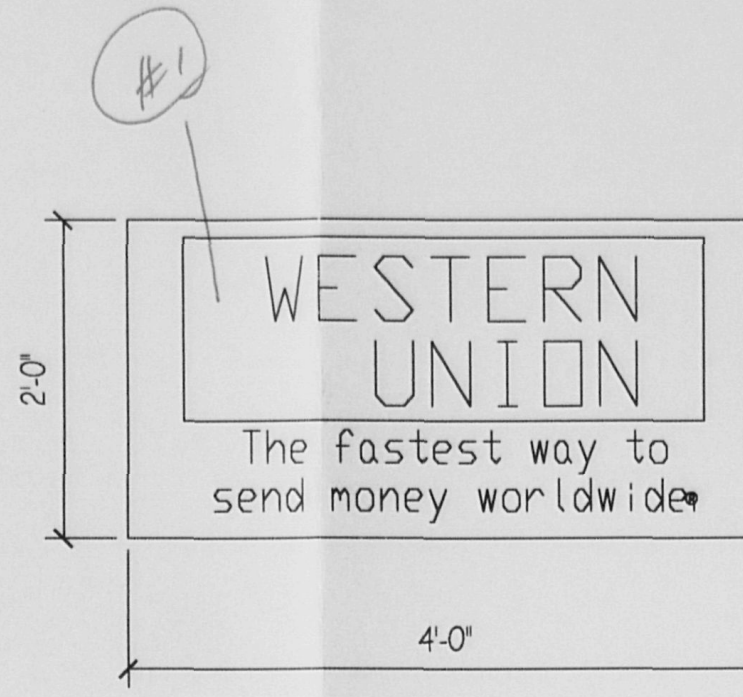
ALL ITEMS WITH THE STATE
RIGHT-OF-WAY SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH NEW YORK STATE DEPARTMENT
OF TRANSPORTATION STANDARD
SPECIFICATIONS CONSTRUCTION
AND MATERIALS

[illegible]

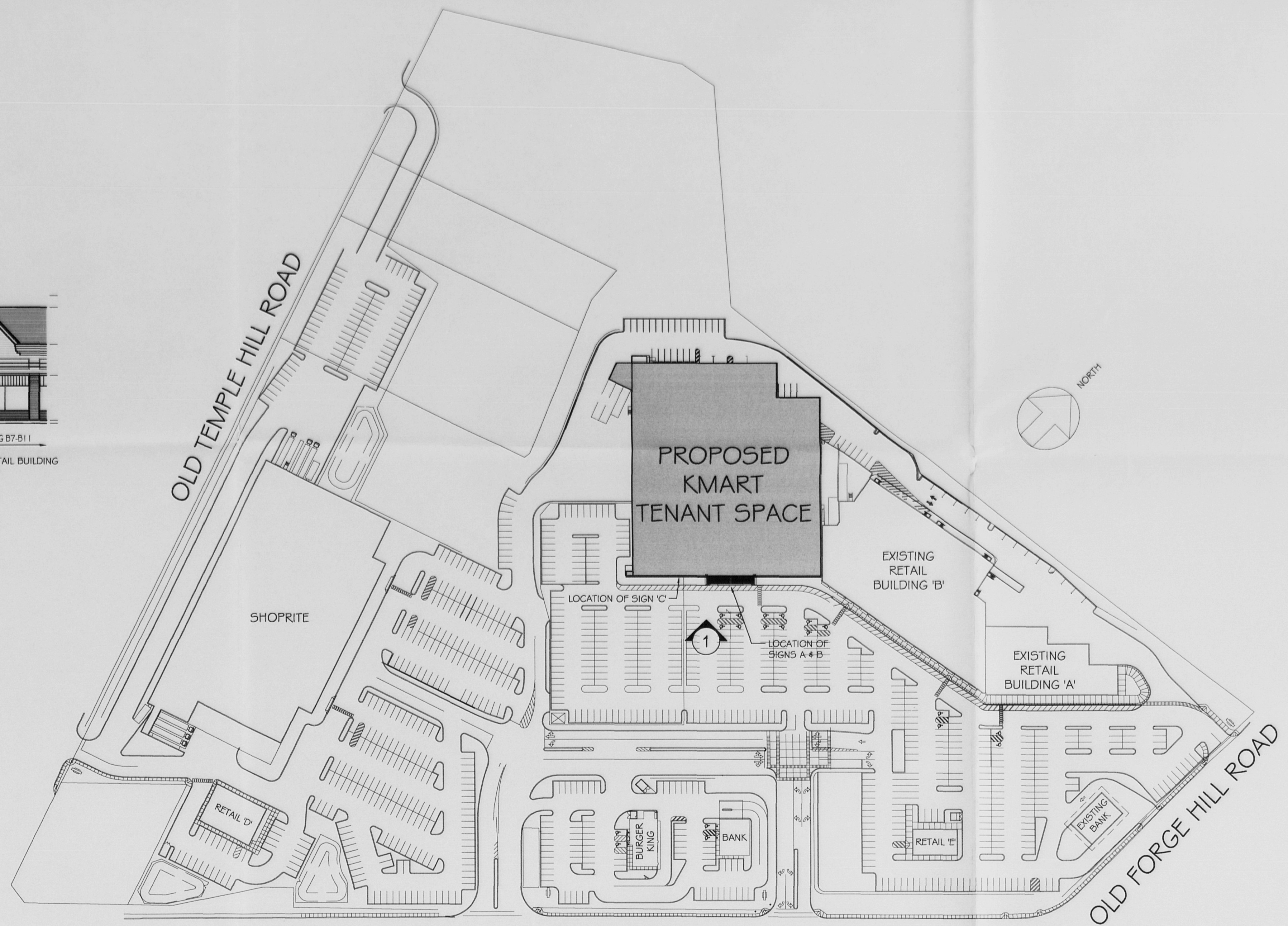


SIGN C
"WESTERN UNION"
ILLUMINATED PANEL SIGN

1 FRONT ELEVATION
SCALE: 1/16" = 1'-0"



2 SIGN 'C' (ILLUMINATED PANEL SIGN)
SCALE: N.T.S.



N.Y.S. ROUTE 32

4 SITE PLAN
SCALE: N.T.S.



SIGN B
"1 HR. PHOTO"
NON ILLUMINATED INDIVIDUALLY
MOUNTED ACRYLIC LETTERS

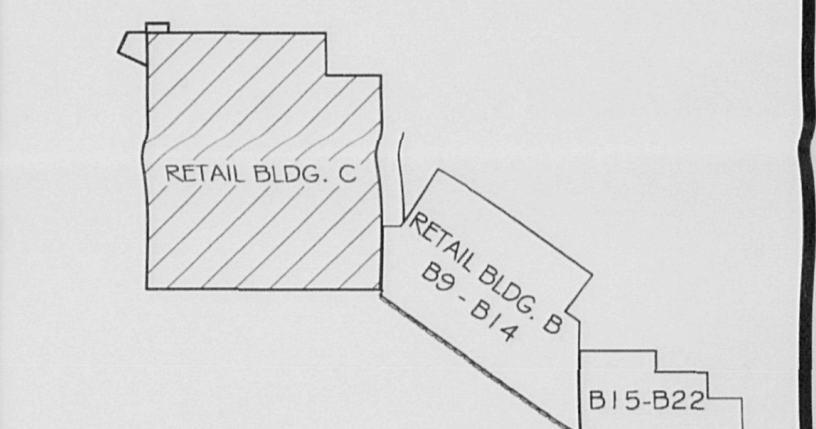
SIGN A
INTERNALLY ILLUMINATED METAL
SIGN WITH ACRYLIC FACE

LEGEND

SIGN A	INTERNALLY ILLUMINATED METAL SIGN WITH ACRYLIC FACE AREA = 200 SF STYLE: FUTURA HEAVY COLOR SCHEDULE: "K MART" SN-255 (PMS #186C RED) "BIG" SN-499 (PMS #3005C BLUE) "SWOOP" SN-555 (PMS #150 ORANGE)
SIGN B	NON ILLUMINATED INDIVIDUALLY MOUNTED ACRYLIC LETTERS AREA = 110 SF STYLE: FUTURA BOLD
SIGN C	ILLUMINATED PANEL SIGN AREA = 8 SF

3 PART. ELEVATION
SCALE: 1/4" = 1'-0"

KEY PLAN:



SEAL:

NEW YORK ALTERATION
WARNING STATEMENT

It is a violation of New York regulation 26-15 (a) for any person, unless acting under the direction of a licensed professional architect, to alter any item in any way without affixing to the item his seal and the notification altered by, followed by a signature, date of such alteration and a specific description of the alteration.

No use, reproduction or dissemination may be made of this drawing and the contents set forth without the prior written consent of PEG/Park LLC Copyright 2000.

PROJECT:

Kmart Corp. #9462
BIG K CONVERSION
BIG 'V' TOWN CENTRE
VailsGate, New York

CLIENT:

KMART Corporation
3100 West Big Beaver Road
Troy, MI 48064

SCALE:

AS NOTED

DATE: 30 JAN. 2001

PROJECT NO.: 04520-07

PLOT DATE: 30 JAN. 2001

FILE PATH: \\vails\newvails\ret\bul\bigk_lp\sh_1A201

DRAWING TITLE:

**PROPOSED TENANT
SIGNAGE**

SHEET TITLE:

AS-1